

**WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
RETREAT – MARCH 1, 2002
MINUTES**

Metropolitan Area Planning Commission members present were Jerry Michaelis (Chair), Bud Hentzen (Vice-Chair), Harold Warner, Don Anderson, Ray Warren, Ron Marnell, Bill Johnson, Elizabeth Bishop, and Frank Garofalo. John McKay, Kerri Coulter, Dorman Blake, and James Barfield were not present.

Wichita City Council members present were Joe Pisciotte, Sharon Fearey, Bob Martz, Bill Gale, and Phil Lambke.

Sedgwick County Commissioners present was Tom Winters, Carolyn McGinn, Tim Norton, and Ben Sciortino.

Planning Department staff present: Marvin Krout, Dale Miller, Dave Barber, Jamsheed Mehta, and Mike Hampel.

Other City of Wichita staff present: Terry Cassady, Matt Jordan, and Kurt Schroeder.

Other Sedgwick County staff present: Rich Euson, Irene Hart, Jim Weber, and Kathy Sexton.

Others in attendance were Carol Bloodworth (City of Maize), Tim Austin, Kim Edgington, Lynne Miller, Wess Galyon, Rosalie Bradley, Ray Rancuret, Wayne Willis, and Larry Ross.

Michaelis welcomed everyone to the retreat and reviewed the importance of Topics 1 and 2 from the agenda.

TOPIC 1 – ROLE OF MAPC WITH BOARD OF COUNTY COMMISSIONERS AND WICHITA CITY COUNCIL – Representative of MAPC or applicant presenting their side at meetings of governing bodies.

Norton used solid waste transfer station at 55th S. & Hoover Rd. as an example of good dialogue and good government. Helpful to know why MAPC voted the way they did.

Garofalo Are minutes included in BOCC packets?

Norton Yes.

Bishop What is the difference in policy between Wichita City Council (WCC) & Board of County Commissioners (BOCC)?

Winters BOCC will take public comments.

Bishop Change in MAPC representation?

Johnson didn't realize that WCC hears some cases.

Marnell Summary minutes lose context of the MAPC meetings. What are the official minutes – tape of meeting?

Krout Summary minutes since August 2001. Tape is available for transcription.

Marnell What are the official minutes?

Euson Tape. MAPC members, etc. will be available for court actions.

Fearey For the Day Reporting Center case, verbatim minutes were requested and received. This is true for important cases.

Warren Concerned about Marvin Krout's objective approach in presentations to WCC and BOCC when he disagrees with MAPC vote.

McGinn No forum in Sedgwick County for citizen participation similar to DAB. How do we interconnect with DAB Boards? Expand DAB system into the county?

Garofalo Should there be a presentation to governing bodies of all 3 sides (Planning staff, MAPC majority vote, and MAPC minority vote) for MAPC cases?

Winters Easy to figure out both sides of vote. Regardless of the Planning staff presentation, the BOCC knows the issues on at least the controversial cases.

Sciortino When a MAPC vote is unanimous, the BOCC presentation is not as energetic as the vote. Ok with MAPC representative presenting MAPC reasoning for vote. BOCC or WCC can call MAPC appointee for information.

Fearey Agrees with Winters, there is sufficient information from MAPC minutes. Where does it all stop? MAPC representative, DAB representative, etc., etc., making presentations for governing bodies.

Warner MAPC hears the case at a public hearing and then elected officials make decisions. What responsibility does Planning staff have to represent MAPC decision? Planning Staff is not always an advocate for MAPC vote.

Bishop Always possible for MAPC member to talk with their appointer about policy issues.

Norton Disagrees with Warren about minority opinion. Positive MAPC vote that disagrees with MAPD recommendation can occur. He needs both opinions, and that is the critical issue.

Marnell We do not need additional government or boards. Marvin Krout is entitled to his professional opinion, but it needs to be an ethical issue with him.

Sciortino Obligation of MAPD staff to DOCC or WCC to present an unbiased presentation. What is Director's obligation to MAPC?

Krout This is not spelled out. In his employment contract, he reports to City Manager and BOCC. Annual report shows majority of time there is agreement between MAPD staff and MAPC. Hard to get MAPC to express findings on why they voted the way they did, and sometimes hard for staff to figure out.

Sciortino Written report from MAPC, would that help?

Krout Sure.

Warner What is the responsibility of Marvin to represent MAPC at BOCC and WCC?

Winters We get excellent recommendations from MAPC, but it is advisory to governing bodies. The BOCC and MAPC do not always see things exactly the same, and this is not a bad reflection on the MAPC. He does not feel that BOCC is not receiving full information.

Pisciotte Who does MAPD represent? At DAB, MAPD represent themselves, Comp Plan, etc. At City Council, they are not agreeable to opening up the process. Who is MAPD going to represent at WCC? Do we include MAPC, neighbors, etc? Marvin has a tough job.

Sciortino MAPC wants fair and unbiased presentation by MAPD.

Pisciotte When there is a difference of opinion, can MAPC write something to be included with governing body packets?

Warren Withdrew previous MAPC majority/minority presentation for zoning cases, but he wants an unbiased presentation by MAPD.

Johnson Never knows how MAPD staff will present the MAPC vote. Marvin Krout can file a protest on any case.

Krout No policy on used car lots; MAPC has made decisions on a case-by-case basis. Need more dialogue between MAPC and governing bodies on policies.

Sciortino In awe of MAPC and their work. Not being fair to MAPD if they do not have clear-cut instructions on how they are to make a presentation and their responsibilities are not spelled out.

Pisciotte How many make decision based solely on Marvin Krout's presentation? WCC has lots of information. Most WCC members have done their homework.

Michaelis Does MAPD need to make a presentation?

Sciortino MAPD presentation is an integral part of his decision; it impacts his vote.

Fearey Has heard MAPD presentations at DAB meeting, and at WCC meetings there is little added.

Garofalo Who do you think Marvin represents, MAPD, MAPC, or is he objective?

Pisciotte Staff is not neutral and they will put a spin on an issue.

McGinn Depends on Marvin Krout to provide the case relies on his technical information as a professional planner.

Bishop Her observation is MAPC process is into zoning administration more than the planning process (including adopting plans). I have great respect for MAPD's professional staff.

Gale Process is good (DAB to MAPC to WCC), and it works for WCC. They depend on WCC member from that district for direction before voting.

Martz Agrees with Gale. MAPC is a public hearing; DABs are used as a public hearing. He uses these avenues (MAPD, DAB, MAPC) for information.

Michaelis Appreciates MAPD staff and their abilities. He is now convinced that BOCC and WCC have the information and resources they need to make decisions. This may not have been the problem that he had thought.

Pisciotte Monitor the current process for 3 to 6 months.

Norton Suggested Marvin Krout meet quarterly with BOCC chair, WCC member, and MAPC Chair.

Warren Questioned changing format of minutes from summary minutes back to verbatim minutes.

Pisciotte No, he is okay with summary minutes.

Sciortino Ok for quarterly meetings.

TOPIC 2 - DAB ROLE IN RELATION TO MAPC

Michaelis Scheduling problems because MAPC and DAB meetings do not coincide. This is not fair to applicants. Define DAB role – is DAB recommendation needed for MAPC vote?

Bishop Assumption was DAB to consider planning cases and their decision was to be provided to MAPC for consideration.

Michaelis Suggested restructuring DAB meetings so they do not conflict with MAPC meetings.

Gale WCC has tried to streamline DAB process.

Krout There is a problem; MAPD backed up process to get the staff report more in advance to DAB members. No directive to inform applicants that they have to wait for DAB meeting. There is a difference between DAB and CPO schedule; CPO met twice a month, like MAPC; DABs only once a month.

Bishop MAPC minutes reflect that DAB process has nothing to do with us.

Hentzen Does not feel that DAB is not helping us. They listen to DAB recommendations at the MAPC public hearings.

Pisciotte Does not think that DAB process is exclusionary. DAB will play role for MAPC similar with MAPC's role for WCC.

Michaelis Read DAB mission statement. Confused because MAPC is not included in statement.

Garofalo Vital that WCC make some expression on how MAPC should consider DAB recommendations.

Martz DAB is advisory to WCC and felt that MAPC should use DAB in decision making process.

Michaelis Does not mean to infer that MAPC does not welcome DAB recommendation. Issue is does MAPC defer case so DAB can hear the case?

Martz MAPC - their choice.

Marnell DAB is another piece of input. Some MAPC members have heightened frenzy if MAPC does not have a DAB recommendation.

Fearey Problem is her district looks at DAB for official input. Huge inconvenience for her constituents to also have to attend MAPC hearings. Sometimes MAPC vote may be overturned because WCC has DAB vote.

Lambke MAPC may not need to wait on DAB vote.

Johnson Is DAB system working as set up?

Pisciotte DAB system may need some tweaking. It is not fair to applicants to delay MAPC vote. A meeting may be needed to reach agreement that would include citizen participation in MAPC process.

Warren MAPC is considerate of DAB recommendations.

Garofalo Isn't MAPC to consider neighborhood input when making a decision?

Marnell requested direction from WCC on DAB issue. Does MAPC always read DAB recommendation?

Bishop There is not clear direction from WCC concerning deferral of MAPC public hearing until DAB vote has been received.

Pisciotta Requested Marvin Krout and Terry Cassady to clarify legal process and timing of MAPC cases; they need to try and mesh MAPC and DAB processes. DAB's may need to be required to meet twice per month.

Krout They will need WCC member participation in revision of DAB process.

TOPIC 3 - ALTERNATIVE SEWER SYSTEMS

McGinn Provided an overview of committee work and how it impacts cluster development, sprawl, and the environment.

Hart A committee was initially formed to discuss policy issues related to alternative sewer systems, and it consisted of KDHE, MAPD, citizens, etc. This committee evolved into a smaller workgroup that developed the recommendations to be presented. The issues were presented as follows:

- 1) Alternative community sewer system
- 2) Alternative system for 1 lot – this requires a revision in Sedgwick County Sanitary Code
- 3) The purpose is to establish land use policy and alternate community sewer systems

Several overheads were shown on the projector explaining these issues.

Weber Reviewed how alternative sewer systems operate, and their overall objective. This review included typical system components, a typical treatment system, and comparisons with septic systems and lagoons.

McGinn The advantage is alternative sewer systems are always monitored by a government entity.

Weber Reviewed annual maintenance costs on the overhead projector and answered questions. Normally, it takes ten years before the sludge is required to be pumped from an alternative system. The tank depth is normally 2 feet.

Marnell Can you farm on top of alternate sewage systems?

Weber I think so.

Warren This will enable us to look at urban plats in suburban areas.

Weber We will need minimum side yard setbacks to keep the lot from getting too crowded.

Hart Using overhead screens, the following topics were reviewed:

- 1) Alternate Community Sewer System
- 2) Issues
- 3) Interim Policy Proposal

Warren Everyday we are delaying implementation of alternative sewer systems, we are promoting developments with 5 acres. This is the most significant land use issue in Sedgwick County.

Bishop What is Sedgwick County's plan for public input to review this policy?

McGinn This is the start of that process. There is an article in today's paper.

Hart We can form a Sewer District with scattered lots. KDHE is ok with these systems, but they want some oversight.

Krout Is there a problem with lateral lines in fields with clay soil? What is the record on lagoon performance?

Weber There is no maintenance or monitoring of lagoons, unless there was a complaint. Clay soils will cleanup the effluent better.

Warren Any response from EPA?

Weber They are supportive of alternate sewer systems.

ITEM 4 – ROLE OF MAPC IN CIP PROCESS

Michaelis This was an issue for Mr. Anderson, but he had to leave early. My understanding was that he wanted more of a MAPC role in the CIP process.

Marnell Let's move on and put it at the end of a MAPC meeting.

ITEM 5 – 2002 MAPD GOALS

Miller reviewed goals for Current Plans Division. These included development of urban design guidelines using CPTED; bundling/clustering issues; street light requirement in subdivision regulations; incentives program for using urban design guidelines; document imaging.

Norton expressed concerned with neighborhood revitalization. He prefers to finish up McAdams Plan before the 'leap-frogging' and starting up another plan.

Barber reviewed goals for Land/Use Research Division. These included coordination with TAG to map environmentally sensitive areas; assist City Council with redistricting; develop reports

using Census 2000 data; assist neighborhood planning efforts in Historic Midtown and McAdams; update Future Pathways Plan.

Mehta reviewed goals for Transportation Division. These included South Area Transportation Study; options for MPO reorganization; develop Public Involvement Program; complete access management guidelines; update Congestion Management System.

ITEM 6 - ZONING AND HOUSING CODE ENFORCEMENT

Schroeder provided a handout with an overview of the operations of the Office of Central Inspection (OCI). Their work programs include the following:

Neighborhood Cleanup Program – 80+ per year

2,000 (minimum) active housing cases on a continual basis

In 2001, Neighborhood Courts reviewed 500 Housing Code cases and 3,000 cases in residential neighborhoods

Their Zoning Code enforcement work includes the following:

- 1) Illegal 'pop up' weekend car lots – OCI works with the Police Department and property owners about these weekend car lots. He used the Albertson's @ 21st and Rock Road as an example.
- 2) Pick up 12,000-15,000 signs per year. A recent revision to the Sign Code approved by the WCC includes more assistance for OCI from Police and Fire Departments.
- 3) Landscaping and its maintenance - 1,500 projects have been approved since Landscape Ordinance was adopted. OCI reviews landscape cases on a complaint basis. They have surveyed over 250 CUP's for screening and landscaping and have found that 1/3 have major violations.

Garofalo requested report from Legal Counsel about legal process for stopping violators of Conditional Use (CU) Permits.

Marnell requested non-compliance report on CU's and Community Unit Plans (CUP). Reminded MAPC that standard CU condition is that the permit is revoked if conditions are violated.

Schroeder A spreadsheet on CUPs is available. A general summary of other violations can be provided.

ITEM 7 – GRAB-BAG

Bishop provided some suggestions for some public outreach programs to help the general public better understand the role of the MAPC. These programs include the following

- 1) Newsletter
- 2) MAPC brochure
- 3) Televised MAPC meetings
- 4) Organize outreach programs
- 5) Public education events

Marnell suggested the following to help improve MAPC meetings.

- 1) Discontinue speeches and philosophizing from MAPC members
- 2) When MAPD staff and applicants disagree over conditions, the differences should be documented in a cover memo. This would be a real time saver.
- 3) Post staff reports on website

Garofalo For deferred cases, a memo explaining a history of the case and why it was deferred would be beneficial.

Marnell Discontinue the “Rocky” music from MAPC opening statement and shorten the statement.

Warren distributed copies of 2 editorials concerning the **Lake Tahoe** takings case that will be decided by the United States Supreme Court. He summarized this case and stressed that it was an important issue.

Krout did not agree with all the statements made by Warren concerning takings law. He suggested that legal counsels from the City of Wichita and Sedgwick County be scheduled for a workshop with the MAPC on takings law.

Michaelis For cases when there is a staff recommendation and no opposition from the applicant, the following process was proposed:

- 1) Check with the audience – if there is not anyone present to speak in opposition, then proceed to #2.
- 2) Check with the applicant – if there is no opposition, then proceed to #3.
- 3) Check with MAPC – if there is no opposition, then approve as a consent item
- 4) Any opposition in #1, #2, or #3, then pull item and discuss.

Hentzen Do not package zoning items on a consent agenda.

Garofalo Far West Policy – Need direction from WCC on how MAPC should follow this policy.

Marnell requested discussion of Far West Policy with City and County legal counsels. There is a concern about having a City Policy for land in Sedgwick County.

Krout remarked that it may be time to rethink and reevaluate the 1996 Far West policy. When it was developed, there was a very short time frame requirement. Maybe should include in MAPD work plan for 2003.